# THE FISHERY COMPLICATIONS.

An Investigation and Report by a Herald Commissioner.

Interesting Sequels to the Late Seizures of American Fishing Vessels Along the Coast of Great Britain.

The American Interpretation of the Fishing Treaty of 1818 Ably Sustained by Colonial Judges and Lawyers in the Cases of the White Fawn and Nickerson.

The Whole Thing in a Nutshell from the American Consul at Halifax.

Some Plain Facts for the People of the United States and Great Britain and the Joint High Commission.

Conundrum-What Do the Canadian Fisheries Amount To! Answer, Nothing.

HALIFAX, N. S., April 19, 1871. Those everlasting fishing complications again require the a tention and investigation of a HERALD mmissioner. They are now as much a subject of cussion as ever, and promise to furnish a fruitful theme for international discord until the assembled wisdom of nations at Washington shall have done omething in the direction of a permanent adjustment. There are a great many generally unknown facts bearing upon these troubles which are at this time of the very highest importance and interest, and if the Joint High Commissioners will only profit by the investigations and report of the New York MERALD commissioners they will be greatly aided in coming to an early and just settlement of what has so long been a vexed and intricate question. At no point in the British provinces have the foliles of these popularly termed "fishing troubles" been fully lilustrated than here in Halifax. Vesinnumerable have been seized along the Nova Scotia coast for alleged infracand the the laws, have been passed upon by the Admiralty Court in this city. Some the tures, as legal investigaons subsequ. ., demonstrated, were made upon the most still and ridiculous grounds, and nearly all were the result of a disputed interpretation of the treaty of 1818 and the imperial and provincial laws based upon it.

THE PEOPLE INDIGNANT AT THE WAR UPON AMERI-

Before entering elaborately into the discussion of the complications a tribute should be paid to the citizens of these maritime provinces for their uniform and utter disapproval of the relentless war which was made upon our fishermen some months ago by their own government. During the past fortnight I have conversed freely with chizens of both the Nova Scotia and New Brunswick provinces upon the subject, and the general sentiment has been one of indignant disapprebation. The forbidding of the Americans to enter their ports to purchase supplies, bait, fuel, &c., took thousands and thousands of dollars out of the pockets of the traders, and it is no exaggeration to say that in some of the smaller ports, which had been heresofore frequented by our industrious tars, not a few dealers were absolutely compelled to suspend business for want of patronage. Of course such a state of affairs, resulting from the rigid interference of the Dominion government, caused a genuine grumbling among the traders, as well as among the abused fishermen themselves, and when our government mantfested a nervousness, and the res tions were alterwards removed, the prospects of a resumption of prosperity among the colonial deaters was very gratifying. When, however, the order preventing the fishermen from entering British ports for supplies was rescinded the season had nded and the tradesmen will have to wait a few more months now before they can begin to gather in the greenbacks. By that time, in all the whole fishery conundrum VIEWS OF AN AMERICAN CONSUL ON THE COMPLICAold times of mutual friendship and prosperity will have been restored. Thus it will be seen, the disturbing question once disposed of, improved rade relations between the United States and the provinces must necessarily follow. Coal, especially-the great staple of Nova Scotia- will then unquestionably be admitted free, or upon a mere mal duty, into the great markets of the Union. place in the duties upon other provincial products as a consequence of the restoration of the era of good feeling between England and America. Then British North American provinces—so full of natural resources-will, in their extended trade and nent benefits from the pacific solution of the fishery

THE FISHING TREATY OF 1818. A difference in the interpretation of the treaty of 2818, and the various imperial and colonial laws based upon it, has been the cause of most of the fishery troubles. The politicians construcd it so that it operated very harshly upon American fishermen, and in forcement of it their vessels were seized as if they had been pirates preying upon the British mmerce. The interpretation of the treaty and the statutes by the aggrandizing politicians was so ashamed of what they then maintained. Even sheir own courts and ablest lawyers were arrayed against them, and united in the American interpre-

tion of the treaty. JUDGE HAZEN, OF NEW BRUNSWICK, a jurist of conceded ability and experience, in his lecision of the case of the White Fawn of Gloucester, selzed for "preparing to fish," redected so the meaning of based upon it that I append an abstract of his ruling. He said:-Captain Betts, a fishing officer in command of the Water Lily, a vessel in the service of the Dominion. states that on the 25th of November he was iving with his vessel at Head Harbor. Several other vessels, and among them the White Fawn, were lying in the harbor, and that he went on board the White Fawn. He states a number of particulars respectlog the vessel from her papers, and adds that si had arrived at Head Harbor on the 24th of Nover ber, and had been engaged there in purchasing free herring to be used as but in trui fishing; that the were on board about 6,000 herring, which had bee obtained and taken on board at head Harbor; an filteen tons of ree, and all the materials and app moes for truil fishing, and that the master admitte to him that the herring had been obtained at Hea for fielding. There are, then, some remarks of the master being deceived as to the fact of a cutter being in the neighborhood, which, however, are not material, and the depondent further understands that persons had been employed at Head Harbor to catch herring for him; that he selzed the schooner on the 25th and arrived with her the same evening at \$1. John, and defivered her on the next day to the Collector of the Customs. No reason is given for the delay which has taken place in proceeding against the vessel which has taken place in proceeding against the vessel which was selzed, as is alleged, by Captain Betts, for a violation of the terms of the convention and the laws of Canada. Her voyage was broken up and her men dispersed at the time of the selzure. By the imperial statute it is declared if any foreign vessel "shall be found fishing, or to have been fishing, or preparing to fish within such distance (three marine miles) of the coast, such vessel as cound fishing or proparing to fish, or to have been fishing in British waters, within three marine miles of the coast, such vessel is cound fishing or preparing to fish, or to have been fishing in British waters, within three marine miles of the coast, such vessel is found the lacks, &c., and cargo, shall be forfeited. The White Fawn was a foreign vessel in British waters; in fact, within one of the counties of this province, where she was seized. It is not site ed that she is subject to forfeiture for having entered Head Harbor for other purposes than shelter or obtaining wood and water. Nor is it alleged that she committed any infraction of the Customs or Revenue laws, it is not sated that she had fished within the prescribed limits, or had been

found fishing, but that she was "preparing to fish," having bought batt (an article, no doubt very material, if not necessary, for successful fishing) from the inhabitants of Cambobello. Assuming that the fact of such purchase establishes a "preparing to fish," under the statute (which I do not admit). I think before a fortesture could be incurred, it must be shown that the preparation was for an illegal fishing in British waters. Here, for aught which appears, the intention of the master may have been to prosecute his fisheres outside of the three miles' limits, in conformity with the statutes; and it is not for the Court to haptue fraud or an intention to infringe the provisions of our statute to any person (British or foreign), in the absence of evidence of such fraud. He had a right, in common with all other persons, to pass with his vessel through the three miles from our coasts to the fishing grounds outside, which he might lawfully use; and, as I have already stated, there is no evidence of any intention to fish before he reached such grounds. The construction sought to be put upon the statutes by the crown officers appears to be this:—"A foreign vessel being in British waters and purchasing from a British subject any article which may be used in prosecuting the fisheries, without its being shown that such article is to be used in illegal fishing in British waters, is lable to forfeiture as 'preparing to fish in British waters,' is lable to forfeiture as 'preparing to fish in British waters,' is lable to forfeiture as 'preparing to fish in British waters,' is lable to forfeiture as 'preparing to fish in British waters,' is lable to forfeiture as 'preparing to fish in British waters,' is lable to forfeiture as 'preparing to fish in British waters,' is lable to forfeiture with her cargo and outfits, for purchasing (while she was pursuing her voyage through British waters, so the lawfully might do, within three miles of the coasts) of a British subject any article, however small in value—a cod line or ne, f

simply thus:—
If a foreign vessel is found—
First—thaving taken fish.
Second—Fishing, attrough no fish have been taken.
Third—"Preparing to fish," i. e., with her crew arranging her nets, times and dishing tackle for issuing, though not actually applied to usuing in British waters.

In either of the cases specified in the statutes the forieiture attaches.

I think the words "preparing to fish" were introduced for the purpose of prevening the escape of a foreign vessel which, though with the intent of illegaly itsning in Brush waters, had not taken fish or engaged in fishing by setting a ts or lines, but was saked in the very act of putting out fer lines, nets, &c., into the water, and so "preparing to fish." Without these a vessel so situated would escape setzure, inasmuch as the crew had neither caught fish nor been found fishing. Taking this view of these statutes, I am of opinion that the facts discussed by the affidavits do not furnish legal grounds for the setzure of the American schooner Witte Fawn by Capitan Betts, the office commanding the Dominion vessel Water Lify, and do not make out a primar facte case for condemnation in the court of the schooner, her tackle and cargo.

I may add that, as "the construction I have put upon the statutes differs from that adopted by the Crown officers of the bominion, it is satisfactory to know that the jud gment of the Supreme Court may be obtained by information filed there, as the imperial act gave concurrent jurisdiction to that Court in cases of this mature." in either of the cases specified in the statutes the

perial act gave concurrent jurisdiction to that Court in cases of this nature." STILL ANOTHER PROPER DOMINION VIEW OF THE

TREATY.

This construction of the treaty by Judge Hazen—
with continuous sense and with ruis construction of the treaty by Judge Hazen—so clearly in harmony with common sense and with the interests both of the people of the provinges and the United States—has also been concurred in by other British gentlemen of acknowledged ability. In the case of the sensoner Nickerson (also from a Massachusetts port, and selzed for attempting to purchase balt), which was argued before the Vice Admiralty Court in this city, the same construction of the treaty in rearrance to supplies was ably and parchase bath, which was argued before the vice Admirativ Court in this city, the same construction of the treaty in reference to supplies was ably and firmly I sated upon by Hon. James McDomaid and from Samuel L. Shamon, two of the ablest lawyers in this province, and both supporters of the bominion government, they camed that the treaty of 1818 must be construed strictly; and as the words "preparing to dish" are not contained in it, out are first used to the imperial act of 1819, and subsequently adopted by the colonial acts, American citizens are not therefore bound by them, and their vessels cannot be made subject to foriettare for an offence which, though contained in the acts, is not in the treaty. They arither misted that procuring bait is merely obtaining supplies, which cannot, under the provisions of the act of 1819, subject the vessel to foriettine; also that it has been the practice for nearly haif a century to allow supplies to be purchased by American vessels, which is strong presumption of the acknowledged legality of the practice; and, further, that procuring bait, not for the purpose of fishing within three marine miles of the land, but for the purpose of ocean fishing—a fishing open to all the world—13 a legal act, and cannot subject an American fishing vessel to condemnation.

subject an American fishing vessel to condemnation.

Here it may properly be remarked that this affair of the schooner Nickerson was

A CASE OF PE-ULIAR HARDSHIP.

She was seized in July hist simply for purchasing bad, and the sellute was made upon an order from the bominion government, which the owners and master of the vessel were entirely ignorant of. Early in the same season American fishermen had been in the habit of putting into British norts for the purchase de bad, without any mieriercace, and in accordance while a practice ancient as the treaty of 1818 lisell. A few months after her seizure the custom of allowing the purchase of balt was restored but the Nickerson was not released. She was still hed, and is to-day in the custody of the colonial anthorities. Now, although this is a case precisely parallel to that of the White Fawn, which was promptly restored to her owners by the decision of sudge Hazen, of New Brusswick, the Nova Scotia eignitary of the banch is very slow, and probably very reluctant to act. The case was argued long slace, but the Court holds the question involved under advisement, the owners meantime being deprived of their vessel. It appears to be generally conceded that the vessel cannot be condemned, and, therefore, there seems to be no clear reason why see should not be restored.

Court of Wisconsin, is thoroughly po-ted national law, and the report which he subn national law, and the report which he submitted has indenbtedly proved a valuable text for our members of the Joint High Commission in defining and maintaining American rights. There have never been anything jurther than brief and imperfect abstracts of the document published, and as its contents are neculiarly important and interesting at just this time I have concluded to annex nearly the whole of it. The Judge begins by a brief allusion and definition of

it. The Judge begins by a brief allusion and definition of

THE PISHERY LAWS.

The existing laws, he says, consist of this treaty of 1818, between the United States and Great Britain; the imperial act passed June 14, 1819, 100 the purposes of carrying the provisions of the treaty into effect; the British North American act, passed March 2, 1867, giving authority to the Canadian government over the sea coast and inland fisheries, and the Dominion acts, passed respectively May 22, 1868, and May 12, 1870, relating to fishing by foreign vessels. All these acts, canadian as well as imperial, purport to be founded upon the treaty of 1818, and designed to enforce its provisions. Some of the provisions of the colonial acts respecting the isheries are borrowed from imperial statistics relating to trade and navigation; and although enacted to protect the inshing vessels.

FISHING SUPPLIES.

PISHING SUPPLIES. In no act is there any prohibition against fishing vessois visiting colonial ports for supplies. The silence of all the acts upon this point, and the practice of more than haif a century under imperial laws, passed expressly for the purpose of carrying into effect the provisions of the treaty, justify the conclusion that no such prohibition was ever contemplated by it. This view of the satject derives additional support from the fact that, at the time of the adoption of the treaty, the mackerel faltery, as now carried on, was comparatively unknown. During the intervening years between 1818 and 1870, throughout ALL THE CONTROVERSUS

between the United States and Great Britain on the

ALL THE CONTROVERSIES

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between the United States and Great Britain on the subject of the fisheries, no question, until the present, had arisen in reference to supplies. They were always readily procured in colonal ports, and the trade being profitable to the people of the colonies was facilitated by the local authorities. The controversies which preceded the adoption of the Reciprocity Treaty related principally to our rights to fish in certain bays, and to the exact limits within which american fishermen, by the Convention of 1818, were entitled to fish on the coast of British North America.

THE RIGHTS INSISTED UPON
by the chizens of the United States were practically decided in their layor by the Commissioners appointed under the Convention of 1853 between the United States and Great Britain, in

THE CASE OF THE SCHOONER WASHINGTON.

That schooner, while fishing in the Bay of Fundy, in 1843, ten miles distant from the shore, was select by the British authorities, daken into Yarmouth, Nova Scotia, and there condemned for a violation of the Estioptocity Treaty, the case was brought before the Commissioners, on a claim of the owners of the schooner for damages, and, after a full and careful examination, was decided in favor of the claimants, to whom damages were awarded for the lilegal seizure and condemnation. Since that time what is termed the

interpretation of the treaty, at different times insisted upon by Great Britain and uniformity opposed by the United States, if not actually abandoned, has been held in abeyance, and it is not probable that any question will hereafter arise in relation to it between the two countries. In regard to fishing supplies the practice which has so long prevalled of procuring them in colonal ports with the full knowledge and consent of both governments, whose citizens have mutually shared in the benefits resulting from such practice, must be regarded as a practical construction given to the treaty which includes all parties. HEADLAND

TRANSSHIPMENT IN BONDS. TRANSSHIPMENT IN BONDS.

Since the abrogation of the Reciprocity Treaty until within a few weeks past it had been the practice of the colonial authorities to permit the transshipment in bonds of American caught fish. The practice was

itself violates no established commercial usage between frieadity nations, as in the prohibitions of supplies to our Fishermen, yet the time of its discontinuance—in the midst of the fishing season, without previous notice, and when much greater and more important bonding privileges were, and still are, extended by the United States to the British colonies, its a just cause of complaint.

FRESH FISH.

While fresh fish—the product of the British North American fisheries—is admitted into the United States "duty free," our fishermen are prombted in all the colonies from procuring ice for fresh fish caught while fishing side by side with British fishermen on the same banks.

To subject fishing vessels coming into colonial ports—as is now the case—to the compulsory regulations respecting pilotage applied to merchant vessels, and at the same time to deny them, when in port, the ordinary privileges extended to such merchant vessels, is manifestly unjust.

BURDEN OF FRODY CHANGED.

The Dominion act, passed in 1888, reversed, in violation of the principles of the common law, the ordinary modes of proof, and declares, in section 10, that in case a dispute arises as to whether any selzure has or pas pot been legally made, or as to whether the person selzing was or was not authorized to selze under the act, the burden of proving the illegality of the selzure shall be upon the owner or claimant. Under this section an American fishing vessel coming into port in the exception of the tenter of the purpose of sheltering or repairing damages therein, of purchasing wood or obtaining water, and unlawfully setzed, instead of being presumed to be in port for a lawful purpose, is presumed by the

ing water, and unlawfully setzed, instead of being presumed by the

ACT OF SEIZURE ITSELF.

however unauthorized, to be guilty of a violation of the fishery laws. Thus, the presumption of guilt which is to subject a fishing vossel to seizure and confiscation is made, in the first instance, to depend upon the caprice of the seizing officer, and not upon the caprice of the seizing officer, and not upon the conduct of the officers and crew of the captured vessel. It is obvious that a cn a rule of action must be instrumental in inflicting wrong and injury upon innocent and unoffending parties.

STRAIT OF CANSO.

It has been intunated that still further restrictions while the imposed upon our fishermen, and that an attempt will be made to exclude them from the Strait of Canso. This appears to the Judge incredible, in view of established principles of international law and the usage which has so long prevalled. Wheaton in his "Elements of International Law," says:—"Straits are passages communicating from one sea to another. If the navigation of the channel by which they are connected ought also to be free, even if such strait be bounded on both sides by the territory of the same sovereign, and is at the same time so narrow as to be commanded by common shot from both shores, the exclusive territorial jurisdiction of that sovereign over such strait is conrolled by the right of other nations to communicate with the seas thus connected." And he holds that "the principle on which the right to navigating which is not exclusive, but common to all nations; the right to navigate the seas drawing after it that of passing the straits."

The Strait of Canso for more than a century has been open as a public highway to the vessels of all iriendly nations. It formerly separate I French from English territory, and after the restoration of Cape Breton to England by the capture of Louisburg, in 1745, through the

it was kept open to the commerce of the world. Afterwards, when

In 1320, ceased to be a separate English colony, and was united to and became a part of Nova Scotia, within waose territorial limits it then became included, the Strait still remained open as a public highway to the vessels of every nation, and has since continued without interruption, and still continues to be used and enjoyed as a general thoroughfare by American vessels in common with vessels from other countries. After such a dedication of this Strait to maritime and commercial uses by the French, English and colonial authorities, and after our vessels have pursued their fishing voyages through it for more than a century, our right to navigate it cannot now be questioned.

VESSELS REQUIRED TO LEAVE PORT.

The manner in which the fishery laws are now construed and attemated to be calorced by the Dominion authorities, if acquiesced in, would amount to a practical exclusion of our fishery vessels from colonial portal for a lithough their right to enter for the purpose of shelter, repairing damages, purchasing wood and obtaining water is guaranteed by silemn treaty, yet no sooner do they now enter than, contrary to all former practice, they are required to depart even before it is ascertained for what purpose and under what circumstances they resort thirber. While ambority is given to certain officers, both importal and Canadian, to selze any American fishing vessels found within three marine miles of any of the coasts, bays, creeks or harbors in Canada which, after examination, has been found fishing or preparing to fish, or to bave been fishing in Bruish waters; yet nothing in any of the coasts, bays, creeks or harbors in Canada which, after examination, has been found ishing or preparing to fish, or to bave been fishing in Bruish waters; yet nothing in any of the coasts, bays, creeks or harbors in Canada which, after examination of the propose of procuring supplies, as for shelter, repairs, wood and water. On the countary.

tering, as wen for the purpose of produring supplies, as for shelter, repairs, wood and water. On the contrary.

The Fishery Laws themselves, as well as the regulations respecting pilotage, recognize the right of foreign lishing vessels freely to enter the ports of the British North American provinces. The vigorous measures, now for the first time adopted, which materially affect the rights and interests of a large class of American critizens engaged in the prosecution of an important branch of Industry, while deriving no sanction from the analysis of the first production of the sale of subversion of every principle of right and ju-

Known order. Our fishermen can better endure hardship and

Our fishermen can better endure hardship and peril than wrong and injustice. Our fisheries furnish a nursery for a vigorous and energetic race of seamen in time of peace, and electively and to our havel strength in time of war; and the enterprising and intrepid men engaged in them—whose employment is as hazardous to themselves as beneficial to the nation—should be encouraged by the liberality and protected by the power of the republic.

Since the foregoing was written and transmitted to the American government, some of the abuses which the Consul describes—such as preventing the fishermen from entering British ports for supplies and fuel—have been remedied by order of the Dominion authorities. All the complaints, however, are founded on fact, and I have only given them to show the American people how very unjustly a worthy and High Commission.

HOW WILL THE TROUBLES BE ADJUSTED -SOME

industrious class of their citizens have been treated by a neighboring power. The whole document, as before intimated, is in the possession of the Joint High Commission.

How WILL THE TROUBLES BE ADJUSTED?—SOME PACIS FOR THE COMMISSIONERS.

"How will ness lisnery troubles be adjusted?" is a question frequently mooted, and, if on rent reports are true, it has been a perpiexing one to the Joint High Commissioners themselves. Without disputing that the British people are entitled to a fair equivalent for their in shore isheries, it is nevertheless true that if they were entirely free to our American prosperity. The greater the facilities afforded American prosperity. The greater the facilities afforded American prosperity. The greater the facilities afford American prosperity. The greater the facilities and recessed for visiting the Eritish forth American ports are more the traise of the provinces is increased, the integer the expenditures made therein for balt, provision, fuel, clothing, sait and other artheres desirable and necessary for the avocation of the Bisherman. During the existence of the feedbrooky Treaty the British Bishermen—as they freely admit—were more prosperous than they have ever been since, and their prosperity was chiefly owing to the trade of our American fars. Their expenditures right around here were nearly haif a mellion doilars annually.

WILL THE UNITED STATES AMIT DOMISION FISH Their expenditures right around here were nearly haif a mellion doilars annually.

WILL THE UNITED STATES AMIT DOMISION FISH Their expenditures right around here were nearly haif and the prosperity was chiefly been the mostive of some in prosecuting such an indistribution of fish and coal duties has adoubtedly been the mostive of some in a prosecuting such an indistribution of fish and coal duties in a day of the British (or free trade in Bish on the broad and commendable basis of principle, for we hear nothing whatever about duties imposed by the British (or free trade in Bish on the broad and dome about these c

in this province where an American fishing vessel has ever been condemned under the Treaty of 1813 for the common act of purchasing batt in British ports. The cases paraded in a certain pamphlet concerning President Grant and his Message, published at Ottawa, under the direction, it is said, of the Canadian Minister of Marine and Pisheries, are entitled to no consideration whatever. The schoolers Java, Independence, Magnolia and Hart, referred to in the pamphlet as seized in 1832, and the schooners Papaneau and Mary, selzed in 1840—thirty one years ago—were condemned by the Vice Admiralty Court here in default of the appearance of the delendants, and upon the experte anidavits of the seizing officer. It is a remarkable fact, however, that the grounds of the seizure of all these vessels, according to the anidavits, were that "the said vessels were frequenting the coast of this province for the purpose of fishing there, and for no other purpose whatever." Thus, it will be seen, that there is nothing in these cases that in any maner conflicts with or compromises the force and justice of the decision of Judge Hazen, of New Brunswick.

NOVA SCOTIA AHRAD OF THE OTHER PROVINCES IN THE PISHERIES.

The province of Nova Scotia is considerably in advance of all the other provinces in the fishing business, and Prince Edward's Island and Newfoundland are ahead of the whole Dominion. Nova Scotia alone has a fishing interest equal to the entire interests of the New Brunswick, Ontario and Quebec provinces. To the provinces, as well as to Prince Edward's Island and Newfoundland the fishing business is undoubtedly important, and those engaged in it would like free intercourse with the American markets—a fact which the "Knight of Kingston" will undoubtedly impress upon his colleagues of that High Commission.

THE EXAGGERATION OF THE FISHING TROUBLES, AND BY WHYM.

These fishery questions—or rather the inshore fishery complications, which are the only matters in dispute—have been greatly exaggerated in importance by the colonial pointcians, who have sought to use them for the purpose of making political capital for themselves in the Dominion, and also with a view of obtaining MORE FAVORABLE TRADE RELATIONS WITH THE UNITED STATES.

in the manner previously described. The matter will always be a bone of contention between the provinces themselves; between the Dominion and the imperial governments, as well as between the imperial government and the United States, until it is

imperial government and the United States, until It is

Finally and forever settled.

This settlement, I am satisfied, can only be effected by the independent action of the United States and Great Britain, both of which, removed from the theatre of colonial politics, will take it up upon a fair and just basis, and, regardless of all Dominion dissensions and dictations, unite upon a settlement alike honorable to both compries. In whatever way the complications may be settled their final adjustment cannot fail—by extending colonial trade and removing causes of irritation—to be conductive to the general interests of all the British North American provinces.

Confidence in the High Commission.

It must then, be regarded as a source of congratuation all around that this vexed question of the fisheres—baturally magnified into a great international dispute—is now in the hands of what is hoped and belived to be an independent and impartial Commission—a body composed of able statesmen, representing the various interests and opinions of all parties concerned, and most all of whom are unadected by the prejudices arising from past colonial condicts.

oncerned, and most all of whom are unantected by
the prejudices arising from past colonial condicts,
it is to be hoped that while they will do justice to
the provinces they will not be likely to allow any
selfish motives to interfere with the maniy adjustment of a question too insignificant in itself to be
permitted to longer endanger the friendly relations
of two great countries like Great Britain and the
United States.

Now, Messrs. Joint High Commissioners, do your
duty. The Herald Commissioner has done his.

#### A NEWARK HORROR.

Built to be Burned-Ballantine's Malt House Destroyed-The Foreman Burned Alive-Two Oher Persons Badly Hart-Loss \$75,000-Insured for \$70,000.

Yesterday afternoon, for the third time within a ew years, the large mait house of Peter Ballantine ns, on Rector street, Newark, N. J., was the scene of a very destructive conflagration-the worst and most terrible in its results of all three. It appears that at about half-past one o'clock smoke was observed issuing from the roof of the building, an extensive four story brick. Shortly afterwards the fire alarm was sounded, and soon the firemen headed by the Chief Engineer, were near the place. In the building at the time was the foreman, John McCormick, and soon Mr. John Ballantine, who lives in the vicinity, and several others, were there also Some grain in the drying room or klin had caught fire. McCormick went to look after the klin on the fourth floor, and opening the door of the fire-proo room, was instantly prostrated with the force of the current of hot air and rendered helpless from

THE FIERCE FLAMES which followed and continually increased in volume. He was seen to fall by another employe, and heard, to exclaim, "My God, I'm runed !" but his fellow workman barely escaped with his own life. As it to St. Michael's Hospital. Poor McCormick was never more seen ance. Some hours afterwards, when the firemen got the mastery of the flames, his trunk was found

BURNED TO A CINDER,

a horrifying appearance in the extreme. He was within ten feet of the starrway when he fell, and but for the dense smoke, which blinded the other employe and Mr. John Ballantine who, too, had a very narrow escape, might have been saved. The building, despite efforts of the firemen, was entirely gutted. The three upper stories are gone, and the walls are damaged so that they will probably have to be tor down. The kilns were also utterly destroyed. The stock of barley on hand was small and that of mait large. In two weeks hence the season would have been over and work suspended till fall.

THE UNFORTUNATE FOREMAN was a native and resident of Albany, in New York State, and came to Newark about a year ago. He leaves in Albany a wife and three children. Mr. Peter Baliantine, Jr., speaks in the highest terms o his trustworthiness and efficiency. The remain-were taken care of. No inquest is deemed neces-

were taken care of. No inquest is deemed necessary.

A WOMAN SERIOUSLY INJURED.

During the excitement which prevailed one of the horses belonging to the establishment broke loose and dashed along Front street at a fearful pace, trampling down a poor woman and injuring her perhaps latally. Her name was not ascertained.

LOSEES AND INSURANCES.

The total loss on stock and building is set down at about \$75,000, or stock \$45,000, building \$20,500, machinery \$4,000. The insurances amount to \$70,000. The principal New York companies interested are as follows:—Home, \$10,000; Excelsion, \$5,500; Westchester, \$4,000 (on machinery); Secutive, \$5,000; Westchester, \$4,000 (on machinery); Secutive, \$5,000; Continental, \$5,000; Merchants', \$3,000. Newark companies—Fireman's Mutual, \$10,000; American Mutual, \$5,000; Newark Mutual, \$5,000; People's Mutual, \$5,000; Newark Mutual, \$2,500. It took the firemen just five hours to subdue the fiames.

## LIRGE FIRE AT ST. LOUIS.

St. Louis, Mo., April 23, 1871. At a late hour last night a fire broke out in the tobacco factory of Waite & Earickson, on Clark avenue, between Eighth and Ninth streets, and extended to the tobacco factory of William C. Wood son, on the west, destroying both. The fire also extended to several adjoining buildings occupied as small shops and dwellings, doing considerable damage. White & Earlek-son had some 80,000 or 100,000 pounds of plug tobacco in their factory, nearly all of which wa destroyed. Their probable loss is about \$60,000, William C. Woodson will probably lose about \$15,000. The buildings occupied by these factories were owned by Charles H. Peck, whose loss is about \$10,000. The total loss is estimated at \$100,000. The insurance has not yet been ascertained. As the walls of Euricason's factory fell the Chef Engineer and four pipe men narrowly escaped death. were owned by Charles H. Peck, whose loss is abou \$10,000. The total loss is estimated at \$100,000

## THE KNIFE IN NEWARK

In a saloon in Newark, last evening, an alterca ion took place between one Albert Duttlinger, an ex-school teacher, and Henry Fischer, the result of which was that Henry whipped out a knife and made a desperate lunge at Albert, wounding him in a part not dangerous. Duttinger it appears was discharged from the school in consequence of neglect of duty, and Fischer and he waxed wrothy over the matter yesterday. Fischer is now in custody.

## VIEWS OF THE PAST.

1814—The British forces took Washington, D. C., and burned the public buildings.

1778—British sloop-of-war Drake captured by the United States sloop-of-war Ranger, commanded by Paul Jones, after a severe action, in the roads opposite the town of Carrick-fergus, Ireland.

1599—Oliver Cromwell died.

1547—Battle of Muhiberg, Prussia; Emperor Charles V. defeated the Protestants.

THE HIGH COMMISSION.

Earl De Grey's Farewell Entertainment.

A Brilliant Illustration of Old English Hospitality.

WHO WERE THERE AND HOW THEY LOOKED

The British Commissioners Preparing for Their Return Home.

The Work of the Commission About Completed.

WASHINGTON, April 23, 1871. Earl de Grey, of the Joint High Commission, re sponded to a long season of American hospitality

last evening by giving one of THE MOST BRILLIANT OF SOCIAL ENTERTAINMENTS one that has seldom been surpassed in Washington Mr. Franklin Philps' elegant mansion, the headquarters of these British diplomatic gentlemen, was transformed into a scene of fairy beauty. The interior of the house itself is exceedingly attractive, having an atmosphere of delightful home life, which also seemed to communicate itself to the guests assembled there last evening. The garden enclosure was covered, floored and carpeted, one side being walled by a hedge of cedars. In the centre, in a large oval space, were grouped lilles, geraniums, drooping fucinas, roses and English primroses, pleasing the eye with their beauty and filling the air with their perfume. Near the steps leading into the pariors was a fountain surrounded with moss and ferns. Six pillars wreathed in evergreens upheld the roof, and between them hung crystal candelebras holding wax tapers, whose light was reflected in a thousand glittering pendants. Flags of different nations draped the walls, and conspicuous among them was Union Jack composed of immortelles, flanked on either side by the American and British colors.

opening into the dining toom, was arranged for the band, the decorations consisting of portraits of George Washington, Queen Victoria and President Grant. In this snug retreat Weber's delightful orchestra performed a choice repertoire of music, the programme including "The Star Spangled Banner" and "God Save the Queen." In this pavilion of delicious colors, scents and sounds,

was set with every dainty that could attract the taste. strawberries were piled in transparent disnes, and ices and creams, as delicate as the bloom of the flowers, were handed to the guests by attentive waiters. Here also were placed seats for the convenience of those who wearied of the prome

THE PARLOR, near the hall doors, stood the host with Lady Thornton, who assisted in receiving with her usual snavity and ease. She was attired in white sik with deep flutings of satin, a pepium of blue satin bordered with white lace, a white gauze scarf thrown across her shoulders, and face and roses in her blonde hair, completed a finished and elaborate

was dressed in ordinary evening dress, with the unique addition of the insignia of the Order of the Garter, dark blue stockings and the glittering band at the knee. Lord De Grey wore also other tasignia of runk and office. He received his guests in a friendly and familiar manner. In the parlor, also, the perfume of flowers was agreeably perceptible, the hearths being banked with moss in which grev rich exotics. The same exquisite ornaments adorned mantels and tables. There were present all the members of the Commission with most of

THE DIPLOMATIC CORES, who were decorations and insignia of rank and title. They were accompanied by the ladies of the legations.

THE CABINET was represented by Secretaries Boutwell, Bobeso and Attorney General Akerman, and the judiciary by Justices Bradley, Swayne, Miller, Davis and Field, of the Supreme Court; Solicitor General Bristow, Assistant Attorney General Hall, of the Department of Justice, and Chief Justice Drake and Judge Loring, of the Court of Claims. Among

THE SENATORS

were Messrs. Carpenter, Patterson, Osborn, Thurman, Sprague, Robertson, Sawyer, Cole and Chandler, and among the representatives Generals Banks, Butler and Garfield, There were also presen Colonels Schriver, Audenried and Rathbone Generals Townsend, Ramsey, Pleasonton, Dyer and Park; Admirals Porter, Hoff, Bailey and Goldsborough: Commodore Sands, Montgomery Blair, General Babcock, George W. Riggs, Franklin Philp, J. C. Kennedy, L. A. Gobright, Ben Perley Poore, Francis Lawley, Colonel Finley Anderson William H. Philip, Dr. Johnson, L. Q. Washington, H. A. Preston, Franklin Steele, Judge Phillips Captain Phipps, General Eastman and many others distinguished in their respective spheres in life and familiar in Washington society.

THE LADIES accompanying these gentlemen were in full evening dress, and most of the toilets were very elegant and complete. At eleven o'clock the promenade was interrupted by

SUPPER. Earl de Grey escorting Mrs. Fish. An air of social

pleasure seemed to pervade the entire assemblage, the young folks gathering under the subdued shale of the pavillon, while the more sedate guests kept in the brilliant parlor, where easy chairs and sofatempted them to quiet comfort. At twelve o'clock precisely the band played "God Save the Queen," SIGNAL FOR RETIRING.

and the gay crowd melted into the midnight shad ows, well pleased with this delightful evidence of English hospitality. This splendid social entertainment is regarded as expressive of an approaching satisfactory conclusion of the work of the Joint

High Commission, and as indicating that the British

ome, the party being in the nature of A PARRWELL ENTERTAINMENT.
Although the points of settlement of the questions in dispute between the United States and Great Britain are agreed upon they have not yet been reduced to treaty or convention form, the delay being occasioned by the waiting for responses from the British government to the communications submitted to it by the British Commissioners. They however, have no gonbt their official transaction

FULLY APPROVED.

It was in this confidence, united with the sugges tions of our own Commissioners, that President Grant called an extraordiary session at the Senate for the 10th of May, thus allowing ample time for the perfection of the measures to be submitted. In the adjustment of the fisheries question the

NAVIGATION OF THE RIVER ST. LAWRENCE sition is now pending, and will be definitively de cided this week. There is no doubt that the Joint High Commission have agreed on the Alabama and other similar claims, leaving their adjudication and award to a commission of jurists. The question involving the ownership of

THE ISLAND OF SAN JUAN
Will, according to the best attainable information. be submitted to the arbitration of some friend' Powers. The island is not regarded by either | arty as of much value, but the decision of the que stion of possessive right, which has been so for g in abeyconsidered of importance, r view of the series of measures to be adopted by the two governments, in order to bind more cl' sely the two countries in friendship by removipute. All the Commission ers, while scrupulously guarding the rights and thonor of their respective. countries, have from the first day of their meeting shown a disposition to

ACCOMODATE THEIR DIFFERENCES

and to arrive at such conclusions as will be generally satisfactory to the great nations immediately concerned in the business with which they are en-

Earl Russell, 1817 to 1841, and from Despatches, 1859 to 1865, with Introductions," published under the supervision of Earl Russell himself in January, 1870, there occurs the following words:-"During the discussion of the questions relating to the Alabama and the Shenandoah it was the great object of the British government to preserve for the subject the security of trial by jury, and for the nation the legislimate and lucrative trade of shipbuilding."

#### ANOTHER CHINESE OUTRAGE.

Wreck of an English Steamer-Her Capture by Chinese Pirates.

The Crew and Passengers Take to Boats to Preserve Their Lives.

Their Sufferings on Shore Before Reaching Amoy.

> Hong Korg, China, March 6, 1871. WRECK OF THE STEAMER.

If anything were wanting after the Tien-tsin massacre of last June to convince Americans, English men and other Western nations of the thorough hostility to all foreigners it can be found in the treat ment of the English steamer just out from England which was wrecked on a point of Ocksu Island on the 13th uit. The Don, having touched at Hong Kong on her way out, sailed from here for Shanghae on the 11th February. She ran aground on a point of Ocksu Island the night of the 13th, the weather be

ATTACKED BY THE CHINESE PIRATES. The Chinese soon came around in swarms, and commenced stoning the passengers and crew of the Den from the high points and crags overlooking the deck. Being unarmed, and fearing that theh retreat might be cut off and themselves overpowered by numbers, they took to the boats and quietly slipped away under cover of the fog and darkness. They headed for the nearest coast, not far from Amoy, and got along very we'l till daylight next morning, when the four boats in which they were embarked were surrounded by fishing junks, which ran them down, separated them, then staved in the sides of the boats, plundered them and the passengers of everything, money, watches, provisions, and even as much of their clothes as they could strip

THE WRECKED PARTY ASHORE.

The wrecked and unfortunate sufferers were then set ashore to shift for themselves. They attempted to make their way to Amoy, but not knowing the way and finding no one willing to show them, having nothing to cat and no money to but any, meeting only with violence and harsn treatment for three days, they were finally on the point of perishing with cold and hunger, when they fortunately met with one friendly Chinaman, who led them and bad them guided to Amoy at the rate of two dollars aniece.

OUTRAGES BY CHINESE. This outrage and the Tien-tsin massacre, be it remembered, were perpetrated by the mild, hospitable people, so friendly to foreigners and so anxious for the introduction of Christianity as to wish to see the shining cross on every hill, according to Mr. Burlingame. The fact is the Chinaman wants nothing to make him equal in ierocity to a wild Western Indian but the Indian's courage. They are cowardly and cunning; but, in deadly hatred of the English, they would lose nothing by comparison with old King Philip and Tecumseh. As they are such intense cowards the only way to appeal to

them is through the medium of their fears. THE FEELING OF THE LOWER CLASSES The masses, it is true, the coolies, tillers of soft, merchants, &c., are not opposed to foreigners, so far as they are concerned, but they are as completely the slaves of the mandarins and literatias the Southern negroes were the slaves of their masters under the good old democratic regime before

THE CH NESE RULERS.

The ruling classes in Chin, now composed of the Itterate and mandarins, foresee the downfall of their power just as clearly foreshadowed in the increase theirs in a free infusion of liberal sentiments, open discussion of republican principles, &c., among the Chinese to any extension of privilege to foreign ers, or even to the tree use of those already granted by treaty. The last trouble, the plundering of the Don, may be settled more easily than the Tien-tsin affair, by regarding the plunderers as pirates and promising to punish them when caught. Even it the real perpetrators are never caught the matter can easily be arranged by taking some criminals under sentence for other crimes and offering them as sacrifices to offended justice; or, in default of who will very readily seil their lives in consideration of the payment of a few hundred dollars to their families, as was done in the case of the vic tims sacrificed to the foreign demand for justice in the case of the Tien-tsin massacre.

THE CHINESE CHARACTER.

A Chinaman will sell his children, his wife, his limbs, anything he has, even his life, for money enough. Some years age, when one of our a Chinaman had his ankle so badly fractured and crushed by some accident that the surgeon had to amputate it to save his life. After the operation was over a collection was taken up on board for the benefit of the poor fellow, and about hundred dohars was soon raised and paid over to him. As soon as this fact became generally known the sargeon was besieged by a host of "neathen Chinces," all willing and anxious to sell their feet, limbs, ankies and all for \$100 apiece, or even less, But the demand for that article being rather limited he declined to invest even at that very low rate.

THE IDEAS OF MR. SEWARD. A letter of Mr. George F. Seward, American Consul General at Shanghae, of April 22, 1870, published in American diplomatic correspondence with the President's Message, is attracting some attention here and is commented on very favorably, from the fact that Mr. Seward takes ground in favor of coercion is recommending that when a demand is made for instice it should be done with the clear intimation that if the demand is not complied with we shall find a way to right ourselves, thus using moral sussion with a strong reserve of force in the backgroun i-unquestionably the only sure way to deal with the heatnen Chinee.

THE UNITED STATES SHIP COLORADO.

The United States ship Colorado is provid to said THE UNITED STATES SHIP COLORADO. hence for Manilia. It is though, that after touching there she will proceed or near the scene of the Don's disaster; for a nough, so far as is yet known, only one Ame can was on board the ili-fated Don, Captain J, d. Boswell, formerly of Salem, Mass. who nad just puoted the Colorado from Shaughae to Japan and up the inland, sea, still it is thought that American interests wild lose nothing by having such a ship as the Colors to about.

FRACTIOUS HORSES.

While Dr. Isaac Hallert, of 144 West Thirtyseventh - creet, was driving up Fifth avenue yester-day at room, his horses becoming unmanageable, ran away when near the corner of Eightieth street, conting the carriage and throwing the Doctor violently to the pavement. He was taken up by some gentlemen who chanced to be passing and conveyed to St. Luke's Hospital, when it was found that he was quite scriously injured about the head and face. The ream, after running into and cipazing three other ventiles, was finally secured by officer Youngs, of the Nineteenth precinct.

Mr. William Jones, who resules at 342 West Eighteenth street, went out for a ride yesterniay, and when passing through Saxth avenue his horse became rightened at something, and started off at a lively gait. When near little street, he ran against a lamp post, throwing Mr. Jones out and breaking his leg. esetting the carriage and throwing the Doctor